

SUMMARY ANALYSIS H. R. 6141

Overseas Employees Health
and Medical Services Act

Definitions

Section 3(4) includes in the definition of "overseas area" the Trust Territories of the Pacific islands but excludes other territories and possessions unless the President determines that these areas will be included in the definition of overseas area on the basis of substandard health conditions or inadequacy or unavailability of non-Government facilities. (Page 3, line 4)

Section 3(5) excludes foreign nations generally from the coverage of this bill but does provide for their coverage in the event the President by regulation desires to include them within this definition. (Page 3, line 15)

Section 3 (6) includes in the definition of overseas employees "persons on TDY orders abroad." (Page 4, line 1) CIA authority is restricted to PCS assignments.

Section 3(7) contains a very broad definition of dependents. (Page 4, line 3)

Section 3 (8) includes in the definition of "out-patient care" obstetrical and maternity services, prenatal and postnatal infant care, diagnostic procedures, etc. (Page 5, line 14)

The existing medical benefit programs are not this broad in their coverage.

Section 3 (9) includes in the definition of "in-patient hospital care" dental, obstetrical, maternity and other services which are not now covered in existing programs. Note also in the last sentence of this section that the term "in-patient hospital care" also includes the furnishing of quarters and subsistence. (Page 6, line 2)

Physical Examinations

Section 4 permits the head of the Agency to provide or pay for the cost of physical examinations of employees and their dependents only in accordance with such standards and regulations as the President may prescribe. This section (page 6, lines 11 through 14) would not appear to grant authority for physical examinations in the U. S. where overseas duty is not anticipated. Note also that section 15 (a)(2) of this bill repeals including subsection (d) section 5 (a)(5) which provides for periodic physical examination. However, general authority for health service programs is contained in 5 USC 150, including authority for pre-employment physical examinations.

Immunization Services

Section 5. The general comments made on section 4 above also apply to this section. 5 USC 150 also provides for preventive programs relating to health which we assume includes immunization.

Medical Travel

Section 6 provides for medical travel of employees and dependents with attendants where necessary, when, in the judgment of the head of the Agency, there is no suitable medical facility in the immediate area. The section broadens the existing authority granted to employees and extends it to their dependents and also provides for travel for out-patient care which is not now provided in P. L. 110.

Out-Patient Care

Section 7 (a) provides for the payment or provision of out-patient care for employees and their dependents overseas. Such care will be provided to employees without cost to them and to their dependents at such charges as may be prescribed by the President. It should be noted that the existing employee and dependent medical programs do not cover out-patient care unless it is an integral part of treatment of a condition normally requiring hospitalization. In discussions with representatives of the Bureau of the Budget who have been advised that the State Department has requested the addition to section 7 of a subsection (d) authorizing the provision of out-patient care in the U. S. in a manner, at least somewhat similar to that provided in section 8 for in-patient care. It is assumed that the Bureau of the Budget will support this suggested addition.

In-patient Hospital Care

Section 8 would provide authority for the payment of in-patient hospital expenses for dependents as well as employees. Such treatment would be provided an employee at no cost to him and would provide treatment for his dependents at costs determined in accordance with regulations prescribed by the President and as specified in this bill.

Subsection (d) (page 12, line 5) provides for the payment of in-patient expenses in the U. S. for any illness or injury which, in the determination of the Agency head, was incurred in an overseas area.

Subsection (e) contains a limitation on dependent hospitalization of 120 days for each admission except in the case of area-related conditions. This limitation is contained in the Foreign Service provisions for medical benefits.

Subsection (f) provides for advance of funds for payment of medical expenses in accordance with regulations prescribed by the President. As regards employees, this section provides the same general benefits as P. L. 110. As regards dependents, it provides substantially the same benefits contained in the Foreign Service Act, with provision for the issuance of regulations by the President.

**Employees and Dependents Liability for Payment
of Charges for Care and Treatment**

Section 9, subsection (a) makes the overseas employee and each of his dependents liable for the repayment of charges which should properly

be paid by the dependent in accordance with the provisions of this bill. Subsection (b) makes the employee liable for the repayment of charges properly paid by him in accordance with the provisions of this bill where the injury or illness is a result of vicious habits, intemperance, or misconduct. Subsection (c) (page 14, line 3) provides for set-off against accrued salary, etc. for any amounts referred to in subsections (a) and (b) of this section.

Subsection (d) authorizes the head of the Agency, in accordance with regulations prescribed by the President, to waive recovery of obligations established by this section where it is shown that such recovery would be against equity and good conscience.

Medical Facilities

Section 10 of this section provides for the establishment of first aid stations, clinics, and dispensaries in accordance with Presidential regulations. Note the repeal of Section 5 (a)(5) repeals our specific authority for establishing first aid stations and providing nurses' services abroad.

Utilization of Medical Services and Facilities

Section 11, subsection (a) authorizes the Department of Defense and other agencies to provide medical treatment and other services authorized by this bill for their own employees and dependents and the employees and dependents of other agencies on a space available basis. Subsection (b) authorizes the Department of State to make available to other agencies the services of the Foreign Service medical program and other services provided in this bill.

Subsection (c) provides for cost billing between agencies at such rates as may be prescribed by the President.

Administration

Section 12 places responsibility for the coordination of programs and activities of agencies under this act under the President and authorizes him to promulgate such standards and regulations as are necessary and to delegate any authority vested in him by this Act and to provide for the redelegation of such authority.

**Overseas Employees Medical Advisory
Board**

Section 13 provides for the establishment of an overseas employees medical advisory board to advise, consult with, and make recommendations to the President or his designee with respect to the establishment and maintenance of the programs provided in this bill.

**Overseas Medical Benefits for Other
Government Personnel**

Section 14 authorizes the provision of the benefits of this bill to such officials or personnel of the government who are otherwise excluded from the coverage of this bill, under regulations promulgated by the President. It will also provide these benefits to the dependents of such individuals.

Changes in Existing Law

Section 15 specifically repeals sections of existing laws including Section 5 (a)(5) of P. L. 110 and sections 941 and 942 of the Foreign Service Act and also provides a general repealer and amendment clause with respect to existing laws which may be held to be inconsistent with the provisions of this bill.

Preservation of Certain Existing Authority and Benefits

Section 16 specifically states that the provisions of this bill shall not affect existing authority, responsibility and benefits provided under the Federal Employees' Compensation Act or the authority of the Civil Service Commission to determine physical standards with respect to positions in the competitive service.

Authorization of Appropriations

Section 17. This section is a general authorization for the appropriation of funds necessary to carry out the provisions of this bill.

Effective Date

Section 18. This bill would become effective 120 days following the date of its enactment.